

Reply to Office Action of January 20, 2006

REMARKS

By this amendment, claims 2, 8-11, 13-14, and 16-20 have been amended. Claims 1-21 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The allowance of claims 8-11 and 17-20 is gratefully acknowledged.

Claims 8-11 and 17-20 stand objected to for informalities and have been amended as suggested in the Office Action. Accordingly, the claims are in condition for allowance.

Claims 13-14 and 16 have been amended to correct typographical errors.

Claims 1-7, 12-16, and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. Reconsideration is respectfully requested. According to M.P.E.P. §2172.01, "it is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result." *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965)(emphasis added); *see also Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965)(A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes). Applicant respectfully submits that the Office Action does not correctly interpret M.P.E.P. §2172.01.

Furthermore, Applicant respectfully submits that structural cooperative relationships are already recited in the claims. Claim 1 says that, the "first controller" is part of the recording and reading device, which is, in turn part of the recited system.

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The first controller is also structurally related to the strategy part, as both parts are elements of the recording and reading device. The claim appears to be in full compliance with 35 U.S.C. § 112. Applicant respectfully requests that the rejection of these claims be withdrawn.

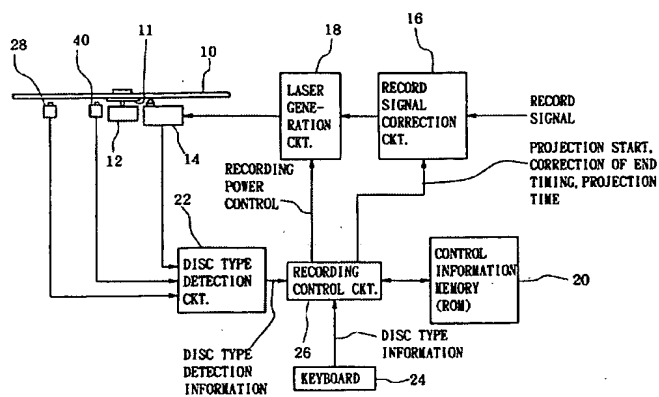
Claims 2-5 and 13-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Reconsideration is respectfully requested. The claims have been amended to address the concerns raised in the Office Action. It is respectfully submitted that "strategy information" and "medium information" are separate elements, and the claims have been amended to clarify the distinction. Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 1-7, 12-16, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakajo (US 5,502,702). This rejection is respectfully traversed.

Claims 1, 12, and 21 recite, *inter alia*, "a recording and reading device that includes a first controller and ... an information processing apparatus that includes a second controller" (emphasis added). Nakajo does not disclose these limitations. To the contrary, Nakajo discloses only a single recording control circuit 26. Nakajo FIG. 1 (reproduced below, on the next page). There is no second controller as recited in claims 1, 12, and 21. Since Nakajo does not disclose all the limitations of claims 1, 12, and 21, claims 1, 12, and 21 are not anticipated by Nakajo. Claims 2-7 depend from claim 1 and are patentable at least for the reasons mentioned above. Claims 13-16 depend from claim 12 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 1-7, 12-16, and 21 be withdrawn.

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Nakajo FIG. 1



In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By

Mark J. Thronson

Registration No.: 33,082

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant